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UNCLAS SECTION 01 OF 02 GUATEMALA 000479

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SENSITIVE

E.O. 12958: N/A

TAGS: PHUM PGOV GT

SUBJECT: GUATEMALA HUMAN RIGHTS UPDATE #2-2004

1. (SBU) Summary: The following is an update of significant recent developments in human rights. Topics include:

- GOG to Re-dedicate Peace Accords (para 2)
- President Supports Gang Rehabilitation (3-4)
- Bruce Harris Acquitted on Slander Charges (5)
- Escape of convicted Mack murderer (6)
- SOUTHCOM Promotes Human Rights (7)
- UN Envoy Highlights Violence Against Women (8)

GOG To Re-Dedicate Peace Accords

2. (SBU) Presidential Commissioner for Human Rights Frank LaRue told PolOff on February 12 that he had presented, and the Cabinet had approved, a February 25 public rededication ceremony to full implementation of the 1996 Peace Accords. LaRue shared a copy of the presentation, which includes: the reduction and modernization of the military, the restructuring and strengthening of the National Civil Police, a federal budget focused on social spending, and the creation of a national monument commemorating victims of conflict, and a meeting of CA governments on peace issues. LaRue said that President Berger would announce the re-dedication on February 25, the National Day for the Dignity of Victims of Violence. In a February 10 meeting with Ambassador Hamilton, Peace Secretary Victor Montejo, also confirmed the February 25

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event, said payments to former civil self defense patrols (ex-PACs) would no longer be handled by his secretariat, and emphasized his priority of creating a new indigenous unit.

President Supports Rehabilitation; Gangs Mock Efforts

3. (U) On February 16, with AID support and with the Ambassador in attendance, President Berger inaugurated the "Casa de Jovenes," a rehabilitation facility for ex-gang members. The center will provide shelter and vocational training to over 100, and will be administered by APREDE, the Alliance for the Prevention of Crime, a coalition of civil society organizations funded under USAID's Civil Society Program. At the event, Berger pledged the support of his administration towards combating gang violence and the reintegration of ex-members into society. In public remarks, the Ambassador praised the project as an example of successful cooperation between communities, civil society, government, and the private sector.

4. (U) The event was marred by the discovery, in another part of the capital, of the murder of a re-habilitated ex-gang member with a note attached which mocked Berger's commitment to rehabilitate gang members and combat gang violence. Another murdered ex-gang member was discovered in January with a note to the President signed "Mara Salvatrucha" (one of the largest gangs), stating, "if you continue to persecute the gang members, we will continue killing people."

Bruce Harris Acquitted on Slander Charges

5. (U) On January 30, Casa Alianza (Covenant House) Regional Director for Latin America, Bruce Harris, was acquitted by a Guatemalan criminal court of slander, libel and defamation charges, concluding a case based on allegations stemming from Mr. Harris' statements at a press conference on September 11, 1997. The charges were pressed by Susana Luarca de Umana, an adoption attorney Harris named among others involved in irregular adoptions from Guatemala. The court also denied her request for \$123,000 in damages. She vowed to appeal the decision. EmbOff attended all phases of the trial and the Ambassador attended the three hour sentencing. After the verdict was announced, he told the press that the court's decision "sends a clear and unequivocal message that Guatemala's jurisprudence supports the freedom expression of human rights defenders." Harris told the press he felt

vindicated by the verdict and said the true beneficiaries were Guatemala's exploited children. He vowed to continue Casa Alianza's efforts to protect children from illegal adoptions.

Army Role in Escape of Convicted Mack Murderer?

16. (U) The Public Ministry is currently investigating claims that Army officials aided in the escape of Juan Valencia Osorio, whose prior conviction and 30-year sentence for the murder of Myrna Mack Chang were reinstated on January 19, 2004. According to major daily "El Periodico," an army vehicle was observed parked in front of Valencia's home on January 22, blocking the view of the security forces who were assigned to monitor the accused. When the car left, Valencia had disappeared. On February 16, the Public Ministry reportedly issued a court order giving the Ministry of Defense three days to release information regarding the identity of the army personnel driving the vehicle and the individual who ordered the action. Valencia remains at-large.

SOUTHCOM Promotes Human Rights In Military

17. (U) Leana Bresnahan, SOUTHCOM Human Rights Division, and Daniel Baldizon, Director of the Center for the Study, Analysis and Training of Human Rights (CECADH), a Costa Rican NGO, visited Guatemala February 11-13 to promote GOG implementation of its prior commitments to a SOUTHCOM-sponsored human rights initiative consensus document. The consensus document details an approach to improving human rights observation in the national military in the areas of doctrine, education and training, international control systems and cooperation with civil authorities. SOUTHCOM categorized Guatemala as one of four "Tier I" countries, based on the national security interests of the USG and interest expressed by the GOG in the project, and will prioritize the Guatemalan implementation of the initiative. During this visit, Bresnahan and Baldizon met with key military leadership and human rights leaders, including Presidential Human Rights Commissioner Frank LaRue, to discuss next steps for implementation of the proposal. GOG leaders and human rights groups were uniformly supportive of the initiative.

UN Envoy Highlights Violence Against Women

18. (U) On February 8-15, UN Rapporteur for Violence Against Women, Karin Erturk, visited Guatemala and met with President Berger, VP Stein, and women's NGOs around the country to evaluate the severity of crimes against women in Guatemala. In numerous public statements, Erturk highlighted the widespread failure to investigate and/or successfully prosecute crimes in Guatemala, as the key problem here. She also found that although few incidents of domestic violence or incest are reported and even fewer are prosecuted, both are severe problems in the nation. Her visit to Guatemala followed visits to El Salvador and Mexico, where she noted analogous problems. Erturk will release a study of her findings in Guatemala and a comparative study of violence against women in Mexico, El Salvador, and Guatemala to the UN Human Rights Commission, in April 2005.

HAMILTON